

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

<u>Donald G. Smith, Jr.</u> ,	:	Case No. 1: <u>22-cv-690</u>
	:	
Plaintiff(s),	:	Judge Matthew W. McFarland
	:	
v.	:	Magistrate Judge Karen L. Litkovitz
	:	
<u>City of Hamilton, Ohio, et al.</u> ,	:	
	:	
Defendant(s).	:	
	:	

JOINT DISCOVERY PLAN PURSUANT TO FED. R. CIV. P. 26(f)

All parties to this case, by and through their respective counsel, jointly submit this Joint Discovery Plan pursuant to Fed. R. Civ. P. 26(f) and the Court's Standing Order Regarding Procedures in Civil Cases. The parties held their discovery conference on January 29, 2023.

A. MAGISTRATE CONSENT

The parties:

- ☐ Unanimously consent to the jurisdiction of the United States Magistrate Judge under 28 U.S.C. § 636(c).
- ☒ Do not unanimously consent to the jurisdiction of the United States Magistrate Judge under 28 U.S.C. 636(c).
- ☐ Unanimously consent to the jurisdiction of the United States Magistrate Judge under 28 U.S.C. § 636(c) solely for purposes of deciding the following pretrial motions dispositive motions: _____

_____.

- ☐ Unanimously give contingent consent to the jurisdiction of the United States Magistrate Judge under 28 U.S.C. § 636(c) for trial purposes only if the District Judge assigned is unavailable on the date set for trial (e.g., because of other trial settings, civil or criminal).

B. RULE 26(a) DISCLOSURES

- ☐ The parties have exchanged pre-discovery disclosures required by Rule 26(a)(1).
- ☒ The parties will exchange such disclosures by February 24, 2023.
- ☐ The parties are exempt from disclosures under Rule 26(a)(1)(E).

NOTE: Rule 26(a) disclosures are **NOT** to be filed with the Court.

C. DISCOVERY ISSUES AND DATES

1. Discovery will need to be conducted on the issues of

The nature and basis for the Plaintiff's claims as set forth in the Complaint,
Plaintiff's alleged damages, and the claims and defenses of the Defendant.

2. The parties recommend that discovery

- ☒ need not be bifurcated.
- ☐ Should be bifurcated between liability and damages.
- ☐ Should be bifurcated between factual and expert.
- ☐ Should be limited to or focused upon issues relating to
.

3. Disclosure and report of Plaintiff(s) expert(s) by June 23, 2023.

4. Disclosure and report by Defendant(s) expert(s) by July 24, 2023.
5. Disclosure and report of rebuttal expert(s) by August 24, 2023.
6. Disclosure of non-expert (fact) witnesses by June 30, 2023.
7. Discovery cut-off September 25, 2023.
8. Anticipated discovery problems

☐ _____

☒ None.

9. Describe the subjects on which discovery is to be sought and the nature, extent and scope of discovery that each party needs to: (1) make a settlement evaluation, (2) prepare for case dispositive motions, and (3) prepare for trial:

Nature and basis for the claims set forth in the Plaintiff's Complaint, Plaintiff's alleged damages,
and the claims and defenses asserted by the Defendant.

10. **Discovery of Electronically Stored Information.** The parties have discussed disclosure, discovery, and preservation of electronically stored information, including the form or forms in which it should be produced.

☐ Yes

☒ No

- i. The parties have electronically stored information in the following formats:

Native, load files, and image files.

- ii. The case presents the following issues relating to disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced:

None. The Parties may choose the format of their document productions, but neither party waives their right to seek original form, if necessary

11. Claims of Privilege or Protection. The parties have discussed issues regarding the protection of information by a privilege or the work-product doctrine, including whether the parties agree to a procedure to assert these claims after production or have any other agreements under Fed. R. Evid. 502.

☐ Yes

☒ No

- i. The case presents the following issues relating to claims of privilege or of protection as trial preparation materials:

N/A

- ii. Have the parties agreed on a procedure to assert such claims

AFTER production?

☒ No

☐ Yes

☐ Yes, and the parties ask that the Court include the following agreement in the scheduling order:

D. LIMITATIONS ON DISCOVERY

1. Change in the limitations on discovery

☐ Increase the amount of time (currently 1 day of 7 hours) permitted in which to complete depositions to _____.

☐ Increase the number of depositions (currently 10) permitted to _____.

☐ Increase the number of interrogatories (currently 25) permitted to _____.

☒ None.

E. PROTECTIVE ORDER

☐ A protective order will be submitted to the Court on or before

_____.

☒ The parties currently do not anticipate the need for a protective order. If the parties subsequently deem that one is necessary, they will submit a joint proposed order to the Court. Such order will comply with *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219 (6th Cir. 1996) and its progeny.

F. SETTLEMENT

A settlement demand ☒ has or ☐ has not been made.

A response to the demand ☒ has or ☐ has not been made.

A demand can be made by _____.

A response can be made by _____.

G. MOTION DEADLINES

1. Motion to amend the pleadings and/or add parties by February 24, 2023.

2. Motions related to the pleadings by March 3, 2023.

3. Dispositive motions by November 27, 2023.

H. OTHER MATTERS

None.

Signatures: /s/ Donald Smith, Jr.
Authorization via email on 01/29/23

/s/ Aaron M. Glasgow

/s/ Caleb R. Fodor

Attorney for Plaintiff(s)

Attorney for Defendant(s)

Pro se

City of Hamilton, Ohio, *et al.*